

FILED

OCT 10 2018

Clerk, U.S. District Court
Texas Eastern

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	NO. 2:18-CR- <u>11</u> <u>JRG-RSP</u>
	§	
DONERICK DAMON MCCRAY (01)	§	
CODY GARRETT BAILEY (02)	§	FILED UNDER SEAL

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

Count One

Violation: 21 U.S.C. § 846
(Conspiracy to Possess with Intent to
Distribute Methamphetamine)

Beginning at a time unknown to the Grand Jury and continuing up to and through October 16, 2017, in Harrison County, Texas; in the Eastern District of Texas, and elsewhere, **Donerick Damon McCray** and **Cody Garrett Bailey**, defendants herein, did knowingly and intentionally, conspire, confederate, and agree with one another, and others, known and unknown to the grand jury, to violate a law of the United States, to wit, 21 U.S.C. § 841(a)(1), prohibiting the knowing and intentional possession, with intent to distribute, a controlled substance; to-wit: approximately 54 grams or more of methamphetamine (actual), its salts, isomers, and salts of isomers.

In violation of 21 U.S.C. § 846.

Count Two

Violation: 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Possession with Intent to Distribute Methamphetamine, and Aiding and Abetting)

On or about October 16, 2017, in Harrison County, Texas; in the Eastern District of Texas, **Donerick Damon McCray** and **Cody Garrett Bailey**, defendant herein, aiding and abetting one another, did knowingly and intentionally possess with intent to distribute, and did distribute, a Schedule II controlled substance, namely approximately 26 grams or more of methamphetamine (actual), its salts, isomers, and salts of isomers.

In violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) and 18 U.S.C. § 2.

Count Three

Violation: 21 U.S.C. § 841(a)(1) (Possession with Intent to Distribute Methamphetamine)

On or about February 6, 2018, in Harrison County, Texas, in the Eastern District of Texas, **Donerick Damon McCray**, defendant herein, did knowingly and intentionally possess with intent to distribute, and did distribute, a Schedule II controlled substance, namely approximately 28 grams or more of methamphetamine (actual), its salts, isomers, and salts of isomers.

In violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B).

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

Pursuant to 21 U.S.C. § 853 and 28 U.S.C. § 2461(c)

As the result of committing one or more of the foregoing offenses alleged in this indictment, the defendants shall forfeit to the United States, pursuant to 21 U.S.C. § 853 and 28 U.S.C. § 2461(c):

1. Any property constituting, or derived from, and proceeds the defendants obtained, directly or indirectly, as the result of such violation(s);
2. Any of the defendants' property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violations, including but not limited to the following:

Cash Proceeds:

A sum of money equal to \$1,520.00 in United States currency, representing property constituting, or derived from, proceeds obtained by the defendants as a result of the offenses alleged in this indictment, for which the defendants are personally liable.

Substitute Assets

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property, including but not limited to all property, both real and personal, owned by the defendants.


By virtue of the commission of the offenses alleged in this indictment, any and all interest the defendants have in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 21 U.S.C. § 853 and 28 U.S.C. § 2461(c).

A TRUE BILL,

10-10-18
Date


Foreperson of the Grand Jury

JOSEPH D. BROWN
UNITED STATES ATTORNEY


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NOTICE OF PENALTY

Count One

Violation: 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(A)(viii)
(Conspiracy to Distribute Methamphetamine)

Penalty: Not less than 10 years or not more than life imprisonment, a fine
not to exceed \$10 million - supervised release of at least 5 years;

Special Assessment: \$100

Counts Two and Three

Violation: 21 U.S.C. §§ 846, 841(a) (1) and 841(b)(1)(B)(viii)
(Conspiracy to Distribute Methamphetamine)

Penalty: Not less than 5 years or not more than 40 years imprisonment, a
fine not to exceed \$5 million - supervised release of at least 4
years;

Special Assessment: \$100